

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

WP(C).No. 20570 of 2006(W)

AGAINST THE ORDER IN OS 1173/2003 IN
EP.7/2006 of PRL.M.C.,TRIVANDRUM
.....

PETITIONER:

SANTHOSH KUMAR, MULLASSERI VEEDU,
MARVEL NO.E6, MARUTHOORKADAVU,
KARAMANA P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.SABU S.KALLARAMOOLA

RESPONDENT:

MURUGAN, VATTAVILA PUTHEN VEEDU,
ATTUKAL,MANACAUD P.O., THIRUVANANTHAPURAM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WPC : 20570 OF 2006

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE OBJECTION IN EP NO.7/2006 IN OS NO.1173/03
BEFORE THE PRINCIPAL MUNSIFF COURT, THIRUVANANTHAPURAM.

EXT.P2 : TRUE COPY OF THE ORDER DT.21.06.06 IN EP NO.7/06 IN OS NO.1173/03
PASSED BY THE PRINCIPAL MUNSIFF'S COURT, THIRUVANANTHAPURAM.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 20570 OF 2006

Dated this the 9th day of July, 2007

JUDGMENT

The petitioner who is the judgment debtor in a suit has filed this Writ Petition impugning Ext.P2 order, ordering his arrest on the reason that he is evading payment willfully. While admitting this Writ Petition, this court imposed a condition for granting stay that the petitioner shall pay to the respondent decree holder a sum of Rs.3,000/- within six weeks from 04.08.2006. Learned counsel for the petitioner submits that above condition has been promptly complied with by the petitioner. Under these circumstances, I dispose of the Writ Petition issuing the following directions:

The order of stay presently passed will continue on condition that the petitioner pays to the respondent decree holder towards the decree debt on every month commencing from the 1st of August 2007 at the rate of Rs.2,000/- till such time as the entire decree debt is wiped off. Once the petitioner is confident that the entire decree debt is wiped off, it is open to him to file an application for recording full satisfaction of the decree in which case the court below will hear both sides and pass orders on the same. If the petitioner makes any two defaults in the

matter of remittance of the decree debt, the petitioner will forfeit the benefit of this judgment in which case the impugned order will become operative.

PIUS C. KURIAKOSE, JUDGE

btt

